

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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CHRISTINE ALISEN RADTKE,

Plaintiff,

v.

**ORDER**

Civil File No. 10-4175 (MJD/JJG)

MISCELLANEOUS DRIVERS & HELPERS  
UNION LOCAL #638 HEALTH, WELFARE,  
EYE & DENTAL FUND,

Defendant,

v.

CALVIN EVERETT RADTKE,

Counter Defendant.

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Richard D. Snyder, Robert J. Shainess, and Thomas S. Fraser, Fredrikson & Byron, PA, Counsel for Plaintiff and Counter Defendant.

Peter M. Rosene and Andrew E. Staab, Rosene Haugrud & Staab, Counsel for Defendant.

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The above-entitled matter also comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeanne J. Graham dated

February 11, 2011. [Docket No. 23] Defendant filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Jeanne J. Graham dated February 11, 2011.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** Magistrate Judge Jeanne J. Graham's Report and Recommendation dated February 11, 2011 [Docket No. 23].
2. Plaintiff's Motion to Dismiss Counterclaim [Docket No. 5] is **GRANTED**; the counterclaim is **DISMISSED**; and Counter Defendant Calvin Everett Radtke is **DISMISSED** as a party to this action.

Dated: March 28, 2011

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court